

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

Anna Chimanski and Ilona Chimanski, on behalf)	
of themselves, and all other similarly situated)	Case No.: 1:17-cv-04306
members of proposed class,)	
)	
Plaintiffs,)	
)	Honorable Amy J. St. Eve
v.)	
)	
Frontier Airlines, Inc.,)	
)	
Defendant.)	

INITIAL STATUS REPORT

NOW COMES Defendant, FRONTIER AIRLINES, INC. (“Frontier”), through its attorneys, ADLER MURPHY & McQUILLEN LLP, and presents its Rule 26(f)(1) Report to the Court as follows:

- MEETING:** On July 10, 2017, pursuant to Fed. R. Civ. P. 26(f), Frontier's counsel tendered a draft Joint Initial Status Report to Plaintiffs' counsel. Plaintiffs' counsel did not respond. On August 28, 2017, Frontier's counsel again advised Plaintiffs' counsel that the Joint Report was due to this Honorable Court. On August 28, 2017, Plaintiffs' counsel indicated that he was not available to hold a Rule 26 conference and he intended to file a separate report. Accordingly, Frontier presents its Rule 26(f)(1) Report to the Court.

2. NATURE OF THE CASE

A. Attorneys of Record

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B. Basis for federal jurisdiction

Article 19 of the Montreal Convention provides the basis for federal question jurisdiction under 28 U.S.C. § 1331.

C. Nature of the Claims

According to the Complaint, Plaintiffs bring individual and putative class action claims pursuant to Article 19 of the Montreal Convention related to the delay of Frontier Airlines flight 81 from Punta Cana, Dominican Republic to Chicago, Illinois, on December 19, 2016. Plaintiffs also bring an individual breach of contract claim.

D. Relief Sought

According to the Complaint, Plaintiffs seek damages for expenses incurred as a result of their delayed flight. Plaintiffs also seek damages for lost earnings caused by their delayed flight.

3. PENDING MOTIONS AND CASE PLAN

A. There are no pending motions. However, it may be necessary for Frontier to file an early motion for summary judgment asserting estoppel. Specifically, Frontier has offered to pay Plaintiffs the full amount of their alleged damages.

B. Counsel for Frontier has read the Standing Order for the MID Pilot. There does not appear to be any disagreements about mandatory initial discovery. On August 28, 2017, Frontier served its Initial Mandatory Discovery Responses to Plaintiffs. Plaintiffs have not served their Initial Mandatory Discovery Responses.

C. Discovery Plan

- i. The parties anticipate issuing written discovery and completing limited oral discovery.
- ii. Proposed deadlines:
 - a. Deadline to issue written discovery: September 15, 2017
 - b. Deadline for completing fact discovery: October 31, 2017
 - c. Frontier does not anticipate engaging in expert discovery.
 - d. Deadline for final supplementation of MID: November 30, 2017
 - e. Deadline for filing dispositive motions: December 15, 2017

D. ESI

Frontier believes that discovery will encompass limited electronically stored information. To ensure that discovery proceeds appropriately, Frontier will follow all applicable rules outlined in Federal Rule of Civil Procedure 26(f)(2), 34, as well as the Seventh Circuit Pilot Program and any other Federal Rule encompassing electronic discovery.

E. Jury Trial

Jury demands have been requested by all parties. Estimated length of trial: 2-3 days. The earliest possible date when the case will be ready for trial is March 2018.

4. MAGISTRATE JUDGE

Frontier does not consent to proceed before a Magistrate Judge for all purposes.

5. STATUS OF SETTLEMENT DISCUSSIONS

In Count II of the Complaint, Plaintiffs alleges that the parties agreed to settle the matter prior to the suit having been filed by Plaintiffs. Although Frontier disputes that any such agreement was reached by the parties, Frontier has offered to pay Plaintiffs the amount of the alleged settlement, plus an additional four-hundred dollars (\$400) to cover the filing costs. Plaintiffs' counsel rejected the offer, demanding an additional three-thousand dollars (\$3,000) in attorney's fees. Frontier contends that Plaintiffs are not entitled to attorney's fees. There has not been any further settlement discussions to date.

Dated: August 28, 2017

Respectfully submitted,

/s/ Brian T. Maye

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Counsel for Frontier Airlines, Inc.

CERTIFICATE OF SERVICE

The undersigned attorney certifies that on August 28, 2017, he served the foregoing document by electronically filing the same with the Clerk of the U.S. District Court for the Northern District of Illinois by using the CM/ECF system, which will send notification of such filing to all CM/ECF participants.

/s/ Brian T. Maye